

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 26, 1947
10:25 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Judge Ben H. Powell came before the Council and requested that the property located on San Marcos Street between Holly and Taylor Streets recently purchased by the Salvation Army be placed on the tax-exemption rolls of the Tax Assessor & Collector of the City of Austin. The request was granted, and Judge Powell was asked to furnish a legal description of the property to the City Manager.

A petition signed by sixty property owners and residents living on Chicon Street between East 12th Street and Rosewood Avenue, asking that this section of the street be paved immediately to relieve the extreme dusty condition caused by the heavy traffic on said street. Petitioners were advised that if the property owners would pay for the curb and gutter and their proportionate part of the paving, the City would consider it; and the matter was taken under advisement further to determine if there is any reason why the City should pay for all of the paving by reason of said street's being a thoroughfare.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Russell Lombard has made application in writing for permission to erect and maintain an additional building to an institution for educational purposes on the north portion of Lots 11 and 12 in Block 6 of

Outlet No. 3 in Division B of the City of Austin, Travis County, Texas, the same's being on the east side of Waller Street and locally known as 903 Waller Street, and is located in a "B" Residence District which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the erection and maintenance of this institution of an educational nature to be granted to Russell Lombard with the following conditions:

1. That this building be used as a school only and that no commercial business be conducted on the premises while this property remains in a "B" Residence District.
2. That all setback regulations required in this zone and all building code provisions be complied with in the erection and maintenance of such building.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, W. P. Chrisman, Jr., M.D., has made application in writing for permission to erect and maintain a doctor's office and clinic for human beings only, on the east 40.5 feet of Lots 7 and 8 in Block 172 of the Original City of Austin, Travis County, Texas, the same's being on the west side of Brazos Street and locally known as 1410 Brazos Street, and is located in a "B" Residence District which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the erection and maintenance of a doctor's office and clinic for human beings only be granted to W. P. Chrisman, Jr., M. D., with the following conditions:

1. That this clinic be used in the general practice of medicine and that no mental or psychiatric patients be housed in such clinic.
2. That all setback regulations required in this zone and all building code provisions be complied with in the erection and maintenance of such

building.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of H. Y. Price, representing C. Ben Hibbetts, Walter H. Meyers, and John H. Meyers, property owners, for a change in zoning, from "B-1" Residence District to "B" Residence District, of property known as 2505 and 2507 San Gabriel Street, legally described and Lots 5 and 6, in Block 1, Outlot 53, Division D, in the City of Austin, Texas, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the ANCHOR STEAK HOUSE, 3709 Lake Austin Boulevard, by Leo Blackwell, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the ALCOVE GRILL, 1914-A East 12th Street, by James B. Darby, for a beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the HATWELL COFFEE SHOP, 137 East 6th Street, by Tom Salidus, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the LUCIUS CAFE, INC., 1300 South Congress Avenue, by Andrew H. Viscardi, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of the DE LUX CAB COMPANY, 1906 East 12th Street, for a taxicab terminal Operator's license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted.

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of LONNIE E. TRIPLET, 401 Neches Street, for a license to operate as a taxicab a 1942 Model, Chevrolet 4-door Sedan, Motor No. BA-361570, State License No. JA-3574, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of FRANK MORGAN, 410 West 11th Street, for a license to operate as a taxicab a 1947 Model, 4-door Chevrolet Sedan, Model Engine No. EAA-151022, State License No. JC-3855, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of THOMAS GEORGE SMITH, Colored, 1163 Comal Street, for a license to operate as a taxicab a 1938 Model, 4-door Buick Sedan, Motor No. 43533872, State License No. CZ-3108, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of OLA B. SINGLETON, Colored, 1410 Ulit Avenue, for a license to operate as a taxicab a 1942 Model, Pontiac Torpedo 8, Tudor Sedan, Motor No. P8K12249, State License No. JA-473, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of RAYMOND HAROLD TALBOTT, 1707 Francis Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of OLA B. SINGLETON, Colored, 1410 Ulit Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of THOMAS GEORGE SMITH, Colored, 1163 Comal Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Name of Owner</u>	<u>Description of Boat</u>
Arnold, H. L., Mrs.- 2309 Shoal Creek	Chris Craft, Inboard, 1947 Model, Chrysler, 6-passenger
Bray, G.E., Mrs.- 1811 Kenwood Avenue	Lynam, Outboard, 1946 Model, Johnson, 8-passenger
Busby, Jean Evelyn, 1409 Robt.E.Lee Rd.	Garwood, Inboard, 1946 Model, "Federado II", Chrysler Ace, 6-passenger
Davis, Chas.E., 1503-B Brackenridge Apts.	Rubber Life Raft, Outboard, 1943 Model, Air Crusier, Sea King, 5-passenger
Derry Industries, Inc., 5005 East 1st St.	Derry, Outboard, New, 5-passenger
Ferdig, B.B., Cliff House	Higgins, Inboard, 1947 Model, Gray, 8-passenger
Francis, Priscilla T., 1602 Newfield Lane	Rubber Boat, Paddle, 10-passenger
Gregory, Paul E., 802 Fredericksburg Road	Penn Yan, Outboard, 1935 Model, 4-passenger
Hirsh, Nathan Joe, 1918 Robbins Place	Wolverine, Outboard, 1947 Model, "Bougie" Johnson, 5-passenger
Hayes, Robert Hudsle, Jr., 2502-B Seton Avenue	Home-made, Sail, 1937 Model, "Peggy Joe", 5-passenger
Hay, Lawrence, Jr., 907 Blanco Street	U.S. Army Assault, Outboard, Neptune, 6-passenger
Lindig, R.A., 1101 West 5th Street	Home-made, Row Boat, New, 4-passenger
McElroy, Billy, Bee Cave Road	Utility, Inboard, 1937 Model, "Manatee", 6-passenger

<u>Owner</u>	<u>Description of Boat</u>
McElroy, Billy, Bee Cave Road	Helton, Outboard, 1941 Model "Sonny Boy", Evenrude, 4-passenger
Peck, Paul B., 5318 Grover Avenue	Home-made, Inboard, 1946 Model, "Paula", Jeep, 4-passenger
Rousseau, Wilfred J., 2707 East Avenue	Home-made, Inboard, 1945 Model, Chrysler, 12-passenger
Stewart, Malcolm M., 101 West 21st St	Montgomery-Ward, Outboard, 1943 Model, "P3-113" Sea King, 6-passenger
Wolff, E.A., 625 Odell	Row Boat, 4-passenger

Councilman Bartholomew moved that the applications be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

A request in writing, signed by Mrs. R. B. Webb and other residents of Graham Place, asking that the City immediately carry out its promise of over a year ago to build a small playground for the children on the remaining part of the lot used for the opening of the street in Graham Place, was received. The matter was referred to the City Manager, with instructions to have the Recreation Department spend at least \$500.00 to equip the park with sand piles, slides and games, and planting with carpet grass.

A delegation of property owners on Hearn Street came before the Council to find out why the paving of this street was being delayed as the property owners' proportionate part of the cost has been on deposit with the Engineering Department for a year and a half. The City Manager reported that this job was under contract at present, but was being delayed on account of inability to get water pipe. After considerable discussion, the matter was referred to the City Manager and the Director of Public Works to find out the true status of the project and to so notify the property owners, and, further, to expedite the work as much as possible.

William J. Simmons, 3209 Chestnut Avenue, came before the Council and complained that he was unable to get sewer connection to his place, although his deposit for sewer connection had been on file for over a year. The Director of Public Works reported that the Simmons property was 400 feet from a sewer line, but that two additional houses were being built between him and the connection point and as soon as application is made for their connection, the City will run the line to connect the Simmons property. The matter was then referred to the City Manager to give Mr. Simmons such relief as the City could as soon as possible.

Messrs. Mueller and Hostetter came before the Council and asked that the City build a retaining wall to remedy a condition caused by the storm sewer in the 600 block of West 4th Street being seven or eight feet below the level of the street. The Mayor advised them that the City was not able

to spend any large amount of money in that area now. The matter was then referred to the Engineering Department to work out, with instructions that if a small amount of money would finish the job, to do so.

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE VACATING AND CLOSING AN ALLEY
RUNNING EAST AND WEST THROUGH BLOCK 8 OF
WALSH PLACE BETWEEN ROBINHOOD TRAIL AND RALEIGH
AVENUE, and DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was then read the third time and Councilman Thornberry moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon, Mayor Miller announced that the ordinance had been finally passed.

Hardy Hollers, Attorney, and Sam Wood, President, respectively, of the Retail Grocers Association, came before the Council relative to the proposed ordinance to regulate the operation of mobile grocers, and submitted in writing, certain amendments which they asked be included in the proposed ordinance. After considerable discussion of the matter, Councilman Thornberry moved that the City Attorney be instructed to include in the proposed ordinance the amendments contained in paragraphs 1, 3, and 6 of said written amendments, and that Section 5 (b) of the proposed ordinance be amended to provide for a minimum fee of \$150.00 per year, and that said revised ordinance be ready for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

In the matter of the application of the Austin Transit, Inc., for an increase in its bus fares now pending, Mayor Miller stated that after due consideration and public hearings, the City Council has agreed to grant the increase solely on the grounds that it would enable the Company to improve its service, such increase being granted for a year's probation, at the end

of such time, if such improvement in service has not been made, the present rates may be restored.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE PRESCRIBING FARES AND CHARGES COLLECTIBLE, BEGINNING THE 1ST DAY OF JULY, 1947, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM FOR LOCAL TRANSPORTATION OF PASSENGERS FOR HIRE USING OR OPERATING UNDER A PUBLIC FRANCHISE; PRESCRIBING PAYMENTS TO THE CITY OF AUSTIN, BASED UPON GROSS ANNUAL RECEIPTS FROM OPERATIONS, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM; FIXING TIMES FOR SUCH PAYMENTS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Johnson moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon, Mayor Miller announced that the ordinance had been finally passed.

The following communication in writing was then submitted by Ben Wayne Greig, President and General Manager of the Austin Transit, Inc.

" As President and General Manager of Austin Transit, Inc., I wish to express my appreciation and the appreciation of all employees of this Company to the Members of the City Council and to the patrons of this Company for the splendid cooperation we have received in making it possible to give Austin the kind of bus transportation and service that the capital city of Texas should have.

" I do not promise that wonders will be worked over night, but I do pledge you that no day shall pass without your seeing improvement in the service given by this Company until you have, here in Austin, the very best bus service that is to be had anywhere, any time.

"The press and the radio have been very fair in reporting the facts which have been presented to the Council, and I also wish to express my appreciation to them.

Ben Wayne Greig. "

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute for and on behalf of the City of Austin a contract with Cecil C. Oldham for the laying of certain water mains and other pipes in Garnett Street from Et. Elmo Road, a distance of approximately 620 feet, located in Oldham Subdivision, Travis County, Texas, all in accordance with the terms and provisions of a contract, a copy of which is attached hereto and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, and Cecil C. Oldham, of the County of Travis and State of Texas, WITNESSETH:

I.

For the consideration hereinafter stated, City of Austin agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay, and agrees to lay certain water mains and other pipes, in accordance with plans and specifications prepared or approved by the Director of Utilities and the Director of Public Works of the City of Austin, in the streets and at the locations described as follows:

Six inch (6") cast iron water main in Garnett Street from St. Elmo Road, a distance of approximately 620 feet, located in Oldham Subdivision.

II.

It is estimated that the work described in Paragraph I will cost the sum of One Thousand Two Hundred Forty Dollars (\$1,240.00) when completed, and Cecil C. Oldham, in consideration of the benefits to be derived by him and his successors from the improvements above described, agrees to deposit such sum of money with the City of Austin prior to the commencement of such work.

III.

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the improvements described in Paragraph I, and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, the City of Austin, after the work is completed, will refund to Cecil C. Oldham the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of such deposit, Cecil C. Oldham agrees, upon notice from the City, immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for shall be and remain in the City of Austin, and the City may make such repairs, changes and connections therewith as may be proper or necessary to the orderly conduct of its water system.

VI.

Cecil C. Oldham further agrees to obtain for the City of Austin, or to obtain and transfer to the City of Austin, all easements across private property which may be necessary for the construction of the improvements herein provided for, and for the connection of such improvements with the present water system of the City.

VII.

Upon completion of said improvements, City of Austin agrees to connect such water mains with its water system, and thereafter to maintain them as a part of such system.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its Corporate Seal affixed, and the said Cecil C. Oldham has executed this instrument in duplicate this the ____ day of _____, 1947.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk_____
Cecil C. Oldham

Approved:

Director of Public Utilities

Director of Public Works

City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote;

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Nees : None

The following report of the Board of Adjustment was received and ordered filed:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION.

Applicant: Simon Botello

I. Referred to the Board by the City Council on : June 12, 1947

II. Property affected:

Lots 7, 8, 9, and 10, Block 10, South Heights Addition,
being located on the west side of South 5th Street opposite West Elizabeth Street.

III. To be changed

From: "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : June 24, 1947.

V. Parties appearing:

For : Simon Botello and Tony H. Guerra

Against: A. J. Anderson, Walter Schwarzer, Don B. Knight,
and John Turner, on the grounds that they desired
the property to remain residential and that there
is no need for business here, that this business
would create more traffic on the already crowded

narrow street where a school is located nearby.

VI. Action of the Board: Change not recommended.

For the following reasons:

1. The application is for the change of zoning on four 25-foot lots adjacent to property owned by Pedro Macias which was recently zoned "C" Commercial by the City Council. This change of zoning on the Macias property was not recommended by the Board after several weeks of study and investigation for the following reasons:

An examination of the zoning maps of the City of Austin and the property in this neighborhood disclosed the fact that there is undeveloped property in a "C" Commercial District along South 1st Street which is approximately four blocks east of the property proposed to be changed and also at the intersection of West Mary and South 5th Streets approximately five blocks south.

The Board had recently considered an appeal for the erection and operation of a food pantry two blocks southeast of the property to be changed and denied the appeal after a large number of adjacent property owners appeared protesting the proposed business on the grounds that it was not needed in the community.

The Board deemed under the conditions and circumstances that there is sufficient commercial property in this area to serve the needs of the community and that the application for the change was not in response to any public need or demand, and that the residential character of this area should be retained.

2. The Board now recommends against the change of zoning requested by Simon Botelle for the same reasons and feels that there is no need for extension of the zone as the property zoned by the City Council over the Board's recommendation is still undeveloped for commercial uses.
3. This is an example of the effect of a spot zone spreading into a neighborhood which the Zoning Ordinance had originally protected for its normal use. When an extraneous zone is once permitted it becomes difficult to prevent other property owners demanding the same privilege, and the rights and privileges of the original property owners in the neighborhood are adversely affected. For this reason the Board feels that no spot zone should be granted except when a reasonable showing of public demand and necessity justifies the change and the neighborhood as a whole approves the same, and such change should be then in the nature of a community center.

(Sgd) H. F. Kuehne
Chairman.

"

Councilman Bartholomew moved that a public hearing on the foregoing application of Simon Botello be called for Thursday, July 17, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

The following report of the Board of Adjustment was received and ordered filed:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION.

Applicant : Lester Lang

I. Referred to the Board by the City Council on : June 19, 1947

II. Property affected:

1 acre of land out of Outlot 39 as described in the attached application, being located at the northeast corner of Lyons Road and Cherico Street.

III. To be changed

From : "A" Residence District

To : "D" Industrial District

IV. Considered by the Board on : June 24, 1947

V. Parties appearing:

For : None

Against: None

VI. Action of the Board : Change recommended

For the following reasons:

1. This application is for a change in zoning on a tract of land 120'x363' at the northeast corner of Lyons Road and Cherico Street and adjoining the H. G. Linscomb tract which was recently changed to "D" Industrial District as recommended by the Board as an extension of the industrial zone along the railroad track.
2. This property is located in a section of the City in which industrial development is encouraged and so shown in the master plan, and the present change would be the extension of the present industrial district to fill in the space between this district and Cherico Street which now is "A" Residence property.

3. The Board deems that this change would be proper zoning owing to the location of the property as related to surrounding industrial property.

(Sgd) H. F. Kushne
Chairman "

Councilman Bartholomew moved that a public hearing on the foregoing application of Lester Lang for change in zoning be called for Thursday, July 17, 1947, at 11:00 A. M. The motion carried by the following vote:
Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry
Noes : None

The following report of the Board of Adjustment was received and ordered filed:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : Mrs. Josephine Kelly Ledesma

I. Referred to the Board by the City Council on : June 12, 1947

II. Property affected:

Lot 1, D. C. Pace Addition, Outlot 12, Division "O", being located on the south side of East 5th Street between Pace Street and Pleasant Valley Road and known as 2717 East 5th Street.

III. To be changed

From : "E" Heavy Industrial District

To : "C-1" Commercial District

IV. Considered by the Board on : June 24, 1947

V. Parties appearing:

For : None

Against:None

VI. Action of the Board : Change not recommended

For the following reasons:

1. This application is for a change of zoning on a 40.5'x120' lot directly across Pace Street from property which has been requested several times to be changed to "C-1" Commercial District to permit the sale of beer and wine in a restaurant

the same as requested at this time, and which former requests have been denied by the Board and City Council because of opposition from a large number of property owners in this area.

2. The property in this neighborhood is zoned for industrial purposes and the proposed change would place a more restricted district in the center of an industrial area adjacent to the railroad tracks and in a section of the City where industrial development is encouraged and shown on the master plan of the City.
3. The Board feels that it is unwise to make this change to a less restricted district and that the sale of beer, wine and liquors should be confined to the zones in which it is now permitted.
4. Small, isolated zones for limited use by only one individual should not be established since they would be difficult to regulate and police.

(Sgd) H. F. Kuehne
Chairman "

Councilman Bartholomew moved that a public hearing on the foregoing application of Mrs. Josephine Kelly Ledesma be called for Thursday, July 10, 1947, at 11:00 A. M. The motion carried by the following vote:
Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry
Noes : None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller.

MAYOR

Attest:

Helin M. Kellen

CITY CLERK